

January 27, 1976

SENATOR CAVANAUGH: You don't strike that, do you?

SENATOR DeCAMP: No, I am not striking that. This is their bill. I am merely putting in the amendments on 255 and 256. I am not interested in their portion of the bill. So, it would be Senator Anderson or whoever is the Committee chairman.

SENATOR CAVANAUGH: Is that what you are trying to do there, Senator Anderson, when you say the cost shall be assessed against the protestant in the same manner as if the protest had not been withdrawn?

SENATOR ANDERSON: The thrust of the bill is that if there is a protest, that a withdrawal of the protest does not prevent the Commission from investigating and checking out what the situation in the particular application is. So if the protest is withdrawn, they do proceed. Then the cost could be assessed. I assume there is language elsewhere in the statutes that has to do with the assessment of costs.

SENATOR CAVANAUGH: I would assume that in the normal case they might assess the cost against the protestant, if the protest were found to be groundless.

SENATOR ANDERSON: Right.

SENATOR CAVANAUGH: But here you would be assessing them against the protestant after he has withdrawn his protest and the Commission has proceeded on its own will, right?

SENATOR ANDERSON: That is the way I read the language also.

SENATOR CAVANAUGH: Does that sound fair?

SENATOR ANDERSON: I think the situation they are running into is that they do have, they do have protests that they feel should be investigated, and if the protest is withdrawn, then they have no basis upon which to proceed unless this authority is given to them.

SENATOR CAVANAUGH: That is fine. I don't have any objection to them proceeding, if there is a basis upon which to proceed, but what you seem to be saying here is that they can proceed, even if there is no basis, and after the protestant has determined or decided himself that there is no basis and he has withdrawn, and then, you still give the Commission the authority to proceed and then assess a protestant who has ceased to terminate his involvement in the action, or who has moved to terminate his involvement.

SENATOR ANDERSON: Now that is also the way that I read this. I would like to make a suggestion. I have a motion to bracket the bill for amendments, anyway, and would be willing to look this over. I have some amendments I am going to print and so I am going to ask that the bill be